

TAB 1

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AMENDMENT TO WATER USE PERMIT

Permit No. 5383A	Type: 11.122, 11.042
Owner: Town of Addison	Address: 16801 Westgrove Drive Addison, Texas 75001
Filed: August 10, 2010	Granted: May 20, 2011
Purpose: Recreation and Public Parks	County: Dallas
Watercourse: Farmers Branch Creek, tributary of Elm Fork Trinity River, tributary of the Trinity River	Watershed: Trinity River Basin

WHEREAS, The Town of Addison (Permittee or Applicant) has acquired Water Use Permit No. 5383 which authorizes the Permittee to maintain an existing dam and reservoir (Reservoir No. 1) on Farmers Branch Creek, tributary of the Elm Fork Trinity River, tributary of the Trinity River, Trinity River Basin, and impound therein not to exceed 1.1019 acre-feet of water for recreation purposes in Dallas County; and

WHEREAS, the priority date for this right is September 12, 1991; and

WHEREAS, the Applicant seeks to amend Water use Permit No. 5383 to increase the storage capacity of the authorized reservoir (Reservoir No. 1) from 1.1019 acre-feet to 2.85 acre-feet of water with a surface area of 0.63 acre. The Applicant also seeks to construct and maintain a second dam and reservoir (Reservoir No. 2) upstream of Reservoir No. 1 on Farmers Branch Creek and impound therein not to exceed 9.28 acre-feet of water with a surface area of 2.43 acres for recreation purposes and add public parks as an authorized use to both reservoirs in Dallas County; and

WHEREAS, the Applicant has also applied to use the bed and banks of Farmers Branch Creek to re-circulate water in Farmers Branch Creek. Water will be diverted from Reservoir 1 and discharged upstream into Reservoir 2. Water will also be diverted from Reservoir 2 and discharged into Reservoir 2 at six additional discharge points; and

WHEREAS, the surface area of Reservoir 1 did not increase due to the increase in capacity and remains 0.63 acres; and

WHEREAS, the Applicant indicates that groundwater from the Trinity Aquifer will be used to maintain the reservoirs at a constant elevation in order to pass inflows of state water; and

WHEREAS, the Texas Commission on Environmental Quality finds that jurisdiction over the application is established; and

WHEREAS, the Executive Director recommends that special conditions be included in this amendment; and

WHEREAS, the Applicant requested edits to Special Conditions A. and B. and those edits have been incorporated into this amendment; and

WHEREAS, two requests for a contested case hearing were received for this application and were subsequently withdrawn; and

WHEREAS, the Commission has complied with the requirements of the Texas Water Code and Rules of the Texas Commission on Environmental Quality in issuing this amendment;

NOW, THEREFORE, this amendment to Water Use Permit No. 5383, designated Water Use Permit No. 5383A, is issued to the Town of Addison subject to the following terms and conditions:

1. IMPOUNDMENT

A. In lieu of previous authorization, Permittee is now authorized to maintain Reservoir 1 on Farmers Branch and impound therein not to exceed 2.85 acre-feet of water.

B. Permittee is authorized to construct and maintain a dam and reservoir (Reservoir 2) on Farmers Branch Creek and impound therein not to exceed 9.28 acre-feet of water. A point on the centerline of the dam is located at S 39.571111°E, 2,350 feet from the northwest corner of Noah Good Survey, Abstract No. 520, also being at Latitude 32.93506 ° N, Longitude 96.85059° W.

2. USE

A. In addition to previous authorization, Permittee is also authorized to use water impounded in Reservoir No. 1 for public parks purposes.

B. Permittee is authorized to use water impounded in Reservoir No. 2 for public parks and recreation purposes.

C. Permittee is authorized to use a portion of the bed and banks of Farmers Branch Creek to re-circulate water.

3. DISCHARGE

A. Permittee is authorized to discharge groundwater and re-circulated water from Farmers Branch Creek at seven points back into Farmers Branch Creek, described as follows:

1. Discharge Point No. 1 - will discharge into Reservoir 2 at a maximum rate of 0.80 cfs (361 gpm) at a point located S 39.571111° E, 2,350 feet from the northwest corner of the Noah Good Survey, Abstract No. 520, also being at Latitude 32.93498° N, Longitude 96.85072° W.
2. Discharge Point No. 2 - will discharge into Reservoir 2 at a maximum rate of 0.26 cfs (120 gpm) at a point located S 39.571111° E, 2,350 feet from the northwest corner of the Noah Good Survey, Abstract No. 520, also being at Latitude 32.93508° N, Longitude 96.84970° W.
3. Discharge Point No. 3 - will discharge into Reservoir 2 at a maximum rate of 0.26 cfs (120 gpm) at a point located S 39.571111° E, 2,350 feet from the northwest corner of the Noah Good Survey, also being at Latitude 32.93527° N, Longitude 96.84929° W.
4. Discharge Point No. 4 - will discharge into Reservoir 2 at a maximum rate of 0.26 cfs (120 gpm) at a point located S 39.571111° E, 2,350 feet from the northwest corner of the Noah Good Survey, Abstract No. 520, also being at Latitude 32.93550° N, Longitude 96.84918° W.
5. Discharge Point No. 5 - will discharge into Reservoir 2 at a maximum rate of 0.26 cfs (120 gpm) at a point located S 39.571111° E, 2,350 feet from the northwest corner of the Noah Good Survey, Abstract No. 520, also being at Latitude 32.93590° N, Longitude 96.84859° W.
6. Discharge Point No. 6 - will discharge into Reservoir 2 at a maximum rate of 0.45 cfs (200 gpm) at a point located S 39.571111° E, 2,350 feet from the northwest corner of the Noah Good Survey, Abstract No. 520, also being at Latitude 32.93619° N, Longitude 96.84788° W.
7. Discharge Point No. 7 - will discharge into Reservoir 2 at a maximum rate of 2.19 cfs (982 gpm) at a point located S 39.571111° E, 2,350 feet from the northwest corner of the Noah Good Survey, Abstract No. 520, also being at Latitude 32.93670° N, Longitude 96.84945° W.

B. The maximum combined discharge rate is 4.5 cfs (2,023 gpm).

4. DIVERSION

A. Permittee is authorized to divert water for recirculation from two points

located on Farmers Branch Creek, described as follows:

1. Diversion Point No. 1 – will divert from Reservoir 1 at a maximum rate of .80 cfs (361 gpm) at a point bearing S 28.666667° E, 2,800 feet from the northwest corner of the Noah Good Survey, Abstract No. 520, also being at Latitude 32.93352° N, Longitude 96.85159° W.

2. Diversion Point No. 2 – will divert from Reservoir 2 at a maximum rate of 3.7 cfs (1,662 gpm) at a point bearing S 39.571111° E, 2,350 feet from the northwest corner of the Noah Good Survey, Abstract No. 520, also being at Latitude 32.93506° N, Longitude 96.85059° W.

B. The maximum combined diversion rate is 4.5 cfs (2,023 gpm).

5. PRIORITY

The time priority for this right is August 10, 2010.

6. SPECIAL CONDITIONS

A. This amendment does not allow Permittee to impound State water in Reservoir No. 2 or additional State water in Reservoir No. 1. Permittee shall provide and maintain suitable outlets in good working condition in the reservoirs to pass all inflows of State water downstream and maintain the reservoirs full. For purposes of this agreement, full shall mean the top of dam elevation for each reservoir. For Reservoir No. 1, the top of dam elevation will be 542.00 msl and for Reservoir No. 2, the top of dam elevation will be 544.00 msl. Upon termination of this permit, Permittee shall activate the outlets such that no State water is impounded in the reservoirs, except that amount previously authorized for impoundment in Reservoir No. 1.

B. Permittee shall maintain and operate an alternate source of water with sufficient production to ensure no State water is used as a result of this amendment. Permittee has identified groundwater from the Trinity Aquifer as the alternate source of water for this project. To account for potential use of State water due to evaporation, Permittee shall supplement the reservoirs with water from the groundwater well in the amount of a minimum of 5.82 acre feet per year, and this water shall be released over the weir in Reservoir No. 1. Permittee shall maintain records of the amount of groundwater added to the reservoirs and reservoir water diverted and utilized. Permittee shall provide documentation of same for review during normal business hours upon requests by either the Executive Director or members of the general public.

C. This amendment is issued contingent upon the Permittee's maintenance of the alternate source of water identified in Special Condition B. In the event the groundwater well will not be used as the alternate source, Permittee shall immediately cease impoundment of water under this amendment and either apply to amend this permit with documentation of the new alternate source of

water, or voluntarily forfeit the amendment. Permittee shall immediately notify the Executive Director if the groundwater well will not be used as the alternate source of water for this amendment.

- D. In order to protect the water quality of the reservoirs and the ecosystem of the water body downstream of the reservoirs, the Permittee shall maintain a riparian buffer zone of permanent vegetation around the perimeter of the reservoir complex averaging 50 feet in width with the exception of reasonable access areas. The buffer zone shall be graded to have a slope no greater than 15% where feasible and planted with native vegetation at a density to ensure complete coverage at maturity.
- E. Discharge of commingled groundwater from the reservoirs should be of sufficient quality to meet the Surface Water Quality Standards for Segment No. 0822.
- F. Permittee shall implement measures to minimize impacts to aquatic resources due to entrainment or impingement including, but not limited to, the installation of screens at the diversion facilities with a mesh size of no greater than 0.25 inches and a maximum flow-through velocity of 0.5 feet per second.
- G. Permittee shall install and maintain a measuring device which accounts for, within 5% accuracy, the quantity of water diverted from the point(s) authorized above in Diversion Paragraph 2. and maintain measurement records.
- H. Permittee shall allow representatives of the TCEQ reasonable access to the property to inspect the measuring device and records.

7. TIME LIMITATIONS

- A. Commencement of construction of Reservoir No. 2 shall begin within one year of issuance of this permit and be completed within two years of the issuance of this permit, unless Permittee applies for and is subsequently granted an extension of time before the expiration of these time limitations.
- B. Failure to commence modifications and construction of the dam and reservoir within the period stated above shall subject all rights to this permit to forfeiture, subject to notice and hearing. After beginning modifications, failure to timely modify the dam and reservoirs stated above shall subject this permit to cancellation in whole or in part, subject to notice and hearing.

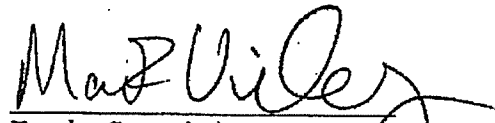
This amendment is issued subject to all terms, conditions and provisions contained in Water Use Permit No. 5383, except as specifically amended herein.

This amendment is issued subject to all superior and senior water rights in the Trinity River Basin.

Permittee agrees to be bound by the terms, conditions and provisions contained herein and such agreement is a condition precedent to the granting of this amendment.

All other matters requested in the application which are not specifically granted by this amendment are denied.

This amendment is issued subject to the Rules of the Texas Commission on Environmental Quality and to the right of continuing supervision of State water resources exercised by the Commission.


For the Commission

ISSUED: **May 20, 2011**